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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,095	08/15/2001	Indermohan S. Monga	120-177	1009
34845	7590	03/10/2008	EXAMINER	
Anderson Gorecki & Manaras LLP			SINGH, DALZID E	
33 NAGOG PARK			ART UNIT	PAPER NUMBER
ACTON, MA 01720			2613	
NOTIFICATION DATE		DELIVERY MODE		
03/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

handerson@smmalaw.com  
officeadmin@smmalaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/930,095	<b>Applicant(s)</b> MONGA, INDERMOHAN S.
	<b>Examiner</b> Dalzid Singh	<b>Art Unit</b> 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 18 December 2007.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al (US Pub. No. 2002/0156914) in view of Chan et al (US Patent No. 5,351,146).

Regarding claims 1, 6, 13 and 22 (in view of the 112 rejection), Lo discloses a method for provisioning network services for a user application in an optical communication system, the method comprising:

ascertaining communication requirements of the user application;  
determining a set of optical network communication services for the user application based at least in-part upon the ascertained communication requirements and non-requirements of the user application, the communications services including at least one of unshared lightpath, shared lightpath, routed path, latency, error rate, and protection mechanism; and

obtaining, from the optical network, the ascertained communication services for the user application (see paragraphs [0025,0029,0033,00037,0048].

Lo et al disclose optical network with user interface and differ from the claimed invention in that Lo et al do not specifically disclose application specific. Chan et al

teach the optical network with application specific configuration (see col. 5, lines 12-18, col. 6, lines 45-49, col. 7, lines 49-58 and col. 11, lines 8-61). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide application-specific service to the optical network of Lo et al as taught by Chan et al. One of ordinary skill in the art would have been motivated to do this in order to provide efficient service.

Regarding claims 2, 7, 14 and 23, wherein determining a set of communication services for the user application based at least in-part upon the ascertained communication requirements and non-requirements of the user application comprises mapping the user application communication requirements and non-requirements to the optical network communication services (see paragraph [0033]).

Regarding claims 3, 8, 15 and 24, wherein obtaining the communication services for the user application comprises interacting with a core optical communication network to obtain the communication services for the user application (see paragraph [0009,0025,0026]).

Regarding claim 4, wherein the core optical communication network comprises an automatically switched optical network (ASON) (see paragraph [0033]).

Regarding claims 5, 11, 18, 19 and 25-27, wherein determining the communication services for the user application comprises interacting with at least one peer user application to determine the set of communication services for the user application (see paragraph [0039]).

Regarding claims 9, 10, 16, 17 and 21, wherein the optical communication network comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI (see paragraphs [0031-0033]).

Regarding claim 12, Lo et al disclose a device comprising:  
a user application requiring communication services from an optical communication network; and

an optical service agent operable to determine a set of communication services required by the user application, the communications services including at least one of unshared lightpath, shared lightpath, routed path, latency, error rate, and protection mechanism, and provision the set of communication services for the user application (see paragraphs [0009,0025,0029,0033,0037,0048]).

Lo et al disclose optical network with user interface and differ from the claimed invention in that Lo et al do not specifically disclose application specific. Chan et al teach the optical network with application specific configuration (see col. 5, lines 12-18, col. 6, lines 45-49, col. 7, lines 49-58 and col. 11, lines 8-61). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide application-specific service to the optical network of Lo et al as taught by Chan et al. One of ordinary skill in the art would have been motivated to do this in order to provide efficient service.

Regarding claim 20, Lo et al disclose system comprising:  
an optical communication network; and

a network user application coupled to the optical communication network, wherein the network user application comprises an optical service agent for obtaining optical communication services from the optical communication network via a user-to-network interface (UNI) sufficient to support operation of the network user application, the communications services including at least one of unshared lightpath, shared lightpath, routed path, latency, error rate, and protection mechanism (see paragraphs [0009, 0026-0033, 0038-0046]).

Lo et al disclose optical network with user interface and differ from the claimed invention in that Lo et al do not specifically disclose application specific. Chan et al teach the optical network with application specific configuration (see col. 5, lines 12-18, col. 6, lines 45-49, col. 7, lines 49-58 and col. 11, lines 8-61). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide application-specific service to the optical network of Lo et al as taught by Chan et al. One of ordinary skill in the art would have been motivated to do this in order to provide efficient service.

***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS  
February 26, 2008

/Dalzid Singh/  
Primary Examiner, Art Unit 2613